

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANNAMMA BROJER,

Plaintiff,

-against-

ORDER
11-CV-3156 (JS)(WDW)

GEORGE KURIAKOSE, ANNE KURIAKOSE,
KOCHUMON,

Defendants.

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APPEARANCES:

For Plaintiff: Annamma Brojer, Pro Se
Manthottathil House
Eranakulam Kalloorkad
Kerala, India 686668

For Defendants: No appearances

SEYBERT, District Judge:

By Order dated July 20, 2011, this Court sua sponte dismissed the pro se Complaint filed in forma pauperis by Michael Brojer purportedly on behalf of his wife, Annamma Brojer ("Plaintiff").¹ Though the original Complaint was signed only by Michael Brojer, it largely concerned only the Plaintiff and Michael Brojer claimed no injuries himself therein. Accordingly, the Court afforded the Brojers an opportunity to file an Amended Complaint in accordance with the Order or a notice of appearance by counsel within sixty (60) days of the July 20, 2011 Order. On September 2, 2011, Plaintiff filed a document entitled "Amended Complaint", signed only by Plaintiff and that abandoned any claims by Michael

¹ The Court granted the application by Michael Brojer to proceed in forma pauperis solely for the purpose of the July 20, 2011 Order.

Brojer.² Consistent with the July 20, 2011 Order, given the absence of any claims by Michael Brojer in the Amended Complaint, his claims are dismissed and judgment shall enter.

The Court deems the Amended Complaint filed on September 2, 2011 to be the operative pleading in this case and directs the Clerk of the Court to so amend the caption consistent with this Order.³ However, Plaintiff has not submitted an application to proceed in forma pauperis. Accordingly, **Plaintiff must either pay the \$350.00 filing fee or return the enclosed application to proceed in forma pauperis within 45 days of the date of this Order for her case to proceed.** Plaintiff, who resides in India, is reminded that she must be prepared to appear at court conferences, telephonically or in person, and to conduct this matter for herself.

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of

² Though the Amended Complaint does not include a caption, the body of the document reflects that the sole Plaintiff is Annamma Brojer and the Defendants are George Kuriakose, Anne Kuriakose and an individual identified as "Kochumon" who is alleged to be the "little cousin of [Plaintiff's] mother."

³ Like the original Complaint, Plaintiff alleges in the Amended Complaint that defendants Anne and George Kuriakose (together, the "Kuriakose Defendants"), together with "Kochumon" trafficked her from India and held her against her will as a domestic worker at the Kuriakose's home in Suffolk County.

any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45,
82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 26, 2011
Central Islip, New York